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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, NORTHERN DIVISION**

LARRY & DORINDA LAUER,
Plaintiffs,

V.

VELOCITY INVESTMENTS LLC,
Defendant.

ATTORNEYS' PLANNING MEETING REPORT

Case no: 1:11-cv-00150-CW
District Judge: Hon. Clark
Waddoups

1. PRELIMINARY MATTERS:

- a. The nature of the claims and affirmative defenses is: FDCPA, 15 USC § 1692a, *et seq.*
- b. This case is X not referred to a magistrate judge
_____ referred to magistrate judge _____
_____ under 636(b)(1)(A) or
_____ under 636(b)(1)(B)
_____ assigned to a magistrate judge under General Order 07-001 and
_____ all parties consent to the assignment for all proceedings or
_____ one or more parties request reassignment to a district judge.
- c. Pursuant to Fed. R.Civ.P. 26(f), a meeting was held on January 23, 2012, by email. The following were in attendance:
- Joshua Trigsted, counsel for Plaintiff
George W. Burbidge II, counsel for Defendant
- d. The parties _____ request / X do not request an initial pretrial scheduling conference with the court prior to entry of the scheduling order. An initial pretrial scheduling conference is set before Magistrate Judge Nuffer on February 8, 2012 at 11:30am.
- e. The parties _____ have exchanged or X will exchange by February 17, 2012, the initial disclosures required by Rule 26(a)(1).
- f. Pursuant to Fed. R. Civ. P. 5(b)(2)(D), the parties agree to receive all items required to be served under Fed.R.Civ.P. 5(a) by either (i) notice of electronic filing, or (ii) e-mail transmission. Such electronic service will constitute service and notice of entry as required by those rules. Any right to service by USPS mail is waived.

2. DISCOVERY PLAN: The parties jointly propose to the court the following discovery plan:

Use separate paragraphs or subparagraphs as necessary if the parties disagree.

a. Discovery is necessary on the following subjects:

FDCPA issues & Plaintiff's damages

b. Discovery Phases.

Discovery will not be limited or structured in phases.

c. Designate the discovery methods to be used and the limitations to be imposed.

(1) For oral exam depositions, (i) specify the maximum number for the plaintiff(s) and the defendant(s), and (ii) indicate the maximum number of hours unless extended by agreement of the parties.

Oral Exam Depositions:

Plaintiff(s): 3

Defendant(s): 3

Maximum no. hrs. per deposition: 7

(2) For interrogatories, requests for admissions, and requests for production of documents, specify the maximum number that will be served on any party by any other party.

Interrogatories 25

Admissions 40

Requests for production of documents 40

d. Discovery of electronically stored information should be handled as follows: Electronic information to be provided by email. Email service is acceptable to both parties.

e. The parties have agreed to an order regarding claims of privilege or protection as trial preparation material asserted after production, as follows: The parties will allow privilege to be asserted after production.

3. AMENDMENT OF PLEADINGS AND ADDITION OF PARTIES

a. The cutoff dates for filing a motion to amend pleadings are:

Plaintiff(s) May 1, 2012; Defendant(s) same

b. The cutoff dates for filing a motion to join additional parties are:

Plaintiff(s) May 1, 2012, 2010; Defendant(s) same

(NOTE: Establishing cutoff dates for filing motions does not relieve counsel from the requirements of Fed.R.Civ.P. 15(a)).

4. EXPERT REPORTS

- a. Reports from experts under Rule 26(a)(2) will be submitted on:
Plaintiff(s) June 15, 2012; Defendant(s) same; Counter reports July 15, 2012.

5. OTHER DEADLINES

- a. Discovery cutoff: Fact June 15, 2012. Expert August 1, 2012.
- b. Deadline for filing dispositive or potentially dispositive motions and Daubert motions is August 15, 2012.

6. ADR/SETTLEMENT:

Use separate paragraphs/subparagraphs as necessary if the parties disagree.

- a. The potential for resolution before trial is: ___good ___X___ fair ___ poor
- b. This case should be referred to the court's alternative dispute resolution program for arbitration:
___ mediation: ___
- c. The case should be re-evaluated for settlement/ADR resolution on: June 15, 2012.

7. TRIAL AND PREPARATION FOR TRIAL:

- a. The parties should have ___ days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3) (if different than 14 days provided by Rule).
- b. This case should be ready for trial by: October 1, 2012. Specify type of trial: jury
- c. The estimated length of the trial is: 2 days

____s/Joshua Trigsted Joshua Trigsted____ Date: 2/3/2011

Signature and typed name of Plaintiff(s) Attorney

____s/George w. Burbidge II George W. Burbidge II____ Date: 2/3/2011

Signature and typed name of Defendant(s) Attorney